

ANDOVER TOWNSHIP COMMITTEE MEETING MINUTES

PHIL BOYCE, MAYOR
MICHAEL LENSAK, DEPUTY MAYOR
GAIL PHOEBUS
BOB SMITH
TOM WALSH

FEBRUARY 14, 2011

6:30 P.M.

REGULAR MEETING BEGINS AT 7:30 P.M.

The regular meeting of the Andover Township Committee was called to order at 6:33 P.M. by Mayor Boyce, followed by a salute to the flag.

ROLL CALL: Present: Ms. Phoebus, Mr. Smith
Mr. Walsh, Mayor Boyce
Also present: Attorney Semrau
Absent: Mr. Lensak

OPEN PUBLIC MEETING STATEMENT Statement of compliance with Chapter 231, P. L. 1975 was made by Mayor Boyce.

EXECUTIVE SESSION: Mayor Boyce asked that the agenda be amended under Executive Session to add Item #6 under Contract Negotiations – Police Dispatchers Union Contract Negotiations. Attorney Semrau explained that regarding the Krueger matter, providing background on this case. Limecrest Quarry has made a motion to intervene in the case and join the Township in defending the ordinance. This request was granted by Judge Bozonelis.

On a motion by Mr. Walsh, seconded by Ms. Phoebus, the resolution to go into executive session to discuss

Personnel Matters:

1. **B. Flammer, Fire Official**
2. **J. Cutler, Fire Sub-Code Official/Inspector**

Contract Negotiations:

1. **St. Paul's Abbey Due Diligence**
2. **Shared Services Agreement Update – Position of Tax Collector**
3. **Forest Lakes Dam & Lake Lenape Dam Restoration Projects/
Co-Borrowers Agreement**
4. **A. Tagliatela, Police Chief**
5. **Land Preservation Program Discussion - Trust For Public Land**

Attorney-Client Privilege:

Potential Litigation:

Pending Litigation:

1. **Krueger vs. Andover Township**

, was carried unanimously.

(See Insert Attached to These Minutes)

The Committee went into executive session at 6:34 P.M. Mr. Walsh moved to adjourn executive session at 7:45 P.M., seconded by Mr. Smith and carried unanimously.

REGULAR MEETING

APPROVAL OF AGENDA Mr. Walsh moved to approve the agenda as presented, seconded by Ms. Phoebus and carried unanimously.

APPROVAL OF CONSENT AGENDA ITEMS Mayor Boyce commented on the resignation of Diane Gillespie from the Environmental Commission and Open Space Committee. He wanted to personally thank her for her years of service to Andover Township serving since 2005. There was a potted plant in appreciation of her efforts.

Regarding Resolution #R2011-39 refers to a Shared Services Agreement between Lafayette and Andover for the Tax Collector position. In another agreement for CFO, Andover Township is saving about \$44,000 a year. In this agreement, we should see revenues of about \$15,000. This resolution will be subject to the Administrator's review of the agreement.

Mr. Walsh moved the following consent items be approved, seconded by Mr. Smith and carried unanimously.

CONSENT AGENDA:**OTHER BUSINESS:*****APPROVAL OF VOUCHERS FOR PAYMENT
(See Inserts Attached to These Minutes)******ACCEPTANCE OF TAX COLLECTOR'S FEBRUARY REPORT - \$1,217,226.75******TO ACCEPT THE RESIGNATION OF DIANE GILLESPIE FROM THE OPEN SPACE COMMITTEE – REGULAR MEMBER/ENVIRONMENTAL COMMISSION REPRESENTATIVE – TERM TO EXPIRE DECEMBER 31, 2011 AND FROM THE ENVIRONMENTAL COMMISSION – REGULAR MEMBER TERM TO EXPIRE DECEMBER 31, 2011******APPOINTMENT TO THE OPEN SPACE COMMITTEE***

- a. ***TO REASSIGN KARL KRUMMEL FROM ALTERNATE NO. 1 MEMBER TO REGULAR MEMBER/MEMBER OF THE PUBLIC TERM TO EXPIRE DECEMBER 31, 2011***
- b. ***TO REASSIGN CARLA KOSTELNIK FROM REGULAR MEMBER/MEMBER OF THE PUBLIC TO REPRESENTATIVE FROM THE ENVIRONMENTAL COMMISSION – TERM TO EXPIRE DECEMBER 31, 2011***

ACCEPTANCE OF THE LAND USE BOARD 2010 ANNUAL REPORT PURSUANT TO 40:55D-70.1 OF THE MUNICIPAL LAND USE LAW***APPROVAL OF RAFFLE LICENSES – HILLTOP COUNTRY DAY SCHOOL TO BE HELD ON APRIL 8, 2011 AT PERONA FARMS***

- a. ***RL #948 CASINO NIGHT***
- b. ***RL #949 ON PREMISE MERCHANDISE***
- c. ***RL #950 ON PREMISE 50/50***

APPROVAL OF RAFFLE LICENSE – ARC OF SUSSEX COUNTY RL #951 – ON PREMISE 50/50 TO BE HELD APRIL 14, 2011 AT PERONA FARMS

***CONSENT AGENDA: (CONTINUED)**

***RESOLUTIONS:**

#R2011-37 RESOLUTION OF THE ANDOVER TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO ANOTHER LIEN, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 10-00003 SOLD FOR DELINQUENT TAXES FOR BLOCK 116, LOT 21, C0415, IN THE AMOUNT OF \$5,049.29

#R2011-38 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO RESCIND RESOLUTION #R2011-35 APPOINTING MARCIN M. RYSIEC TO THE POSITION OF SPECIAL POLICE OFFICER FOR THE ANDOVER TOWNSHIP POLICE DEPARTMENT

#R2011-39 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH THE TOWNSHIP OF LAFAYETTE PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT CONCERNING THE SERVICES OF A CERTIFIED TAX COLLECTOR

#R2011-40 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AUTHORIZE CHANGE ORDER NO. 2 TO THE EXISTING CONTRACT FOR THE PERONA ROAD PHASE II PROJECT FOR AN INCREASE IN THE CONTRACT AMOUNT OF \$6,163.80 FOR ADDITIONAL CONSTRUCTION WORK

#R2011-41 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO FORMALLY ACCEPT THE MAINTENANCE BOND NO. B10904193 IN THE AMOUNT OF \$4,136.00 FROM DIRTWORX EXCAVATING LLC FOR THE PERONA ROAD RECONSTRUCTION – PHASE II PROJECT AND TO AUTHORIZE RELEASE OF THE RETAINAGE IN THE AMOUNT OF \$7,409.99

(See Inserts Attached to These Minutes)

***APPROVAL OF MINUTES:**

**JANUARY 24, 2011 REGULAR MEETING
JANUARY 24, 2011 EXECUTIVE SESSION**

APPROVAL OF MINUTES

NOVEMBER 08, 2010 EXECUTIVE SESSION

Mr. Walsh moved to approve the foregoing minutes as presented, seconded by Mr. Smith. Roll call vote:

- | | |
|-----------------------|-------------------|
| Mr. Lensak – absent | Ms. Phoebus – yes |
| Mr. Smith – yes | Mr. Walsh – yes |
| Mayor Boyce – abstain | |

REGULAR AGENDA

REPORT FROM THE FIRE CHIEF The Fire Chief's report was delivered this afternoon thinking someone would be able to attend the meeting. Ms. Thompson read the report filed by stating there was one activated fire alarm, one oil/gas burner fire, one carbon monoxide alarm, one fast team response, one ice rescue, one liquid propane gas incident, three regular monthly drills, one regular monthly meeting, one mutual aid drill, one mutual aid out-of-town, seven motor vehicle accidents, two smoke conditions, one standby out-of-town, one vehicle fire or rescue. There were 23 reported calls for 282.5 hours with a year to date total of 67 calls for 813.8 hours.

Mayor Boyce added that we had the honor of swearing in the new fire Chief Dan Crater at the Installation Dinner on January 29.

REPORT FROM THE RESCUE SQUAD CHIEF There was no report at this time.

REPORT FROM THE CHIEF OF POLICE Reporting for Chief Taglialatela was Sergeant Murrell stating for the month of January there were 764 calls for Andover Township, nine for Andover Borough, 492 for Hamburg Borough, 17 for Green Township for a monthly total of 1,282 for January. For February, there were 299 for Andover Township, 10 for the Borough, 202 for Hamburg and 4 for Green. There was a total of 515, 1,797 year to date.

He added that things are running very well with the police department.

PUBLIC PORTION Resident Tony Massaro of Current Drive commended the Department of Public Works for doing a great job this winter with the roads. At this time, Mr. Walsh asked if the Committee would address the matter listed under New Business because this issue concerns Mr. Massaro.

Mr. Massaro stated that he has a problem with a power line in front of his house. He explained the line is covered in ice and in danger of collapse. He said he called JCP&L they came out to his house and he was told that the issue is for him to repair. He argued that case and then brought it to Mr. Walsh. Following a short discussion, Ms. Thompson stated she would locate the name and number of the municipal liaison from the power company and contact them regarding this matter.

Jim Woodstrom of Limecrest Road stated last August the Committee adopted an Ordinance concerning engine braking and he asked about the status of the signs. He stated that there is a great deal of jakebreaking in the vicinity of his home. He added that it is uphill from his house to the stop sign and no reason at all for jakebreaking. Mr. Walsh explained he believes there are a couple signs in the DPW garage and once the weather breaks the signs will be erected. Ms. Phoebus explained that the issue of the Ordinance was raised at the County Planning Board meeting and the Board fully supported the Ordinance. Mr. Walsh stated that we should have that in writing from the County in order to properly place these signs on the County roadways. The County officials did explain to Ms. Phoebus at that time that enforcement of this Ordinance is very difficult.

Mr. Woodstrom stated he is happy to see the Township Committee addressing employment opportunities through shared services. He referenced an article today in the Star Ledger solely on the issue of shared services. He then spoke about the construction official/zoning officer Cutler full time status. He said that according to the former CFO, last year his department only received \$15,000 in revenue. He added that he does not believe there is enough building going on to warrant a full time building inspector. He then referenced the Committee's action on the position of Chief Financial Officer reduced from 35 hours per week to shared services at 20 hours per week. The Committee is now doing the same thing with the Tax Collector.

PUBLIC PORTION (CONTINUED) He said the Committee can do the same with the construction official. He added that last September he called every building department in every township in this County and there are only four towns with full time building inspectors. He said he does not see why Andover Township has to spend \$79,000 for a salary and God knows another \$20,000 for health benefits and another \$15,000 for his pension fund. Mayor Boyce replied that the Township Committee is always looking for ways that we can do shared services or in some cases combine positions in an attempt to save taxpayer dollars. In little bit of a defense of Mr. Cutler, even though his title is construction official, but there is a long list of things he does. Mr. Woodstrom responded that those positions are all part of being a construction official. He then stated that Mr. Utter who is a full time building inspector in Hardyston also does Sussex, Franklin Borough, Hamburg Borough and Newton in addition to Hardyston, which is much larger in size and population than Andover Township. Mayor Boyce did say that the construction department did suffer staff reduction in the retirement of Mr. Cutler's technical support. Mr. Woodstrom responded he remembered her. Mayor Boyce replied that Mr. Cutler did absorb those duties and perform clerical work in addition to the inspections. Mr. Woodstrom replied he finds that hard to believe. He then stated that he has documentation that Vernon Township with 29,000 residents and three times the size of Andover has a building inspector all day Mondays and one-half day Tuesdays. If you total the population of the four municipalities that Hardyston oversees, it's over 30,000 residents. He added that he is sure their difficulties are no easier or harder for that individual.

Mayor Boyce then said Mr. Woodstrom makes a good point. He said we should do our diligence and do a survey of other municipalities to find out how many have a construction official full time. Mr. Woodstrom stated he has done this work and has the information available.

John Carafello of Eileen's Way did state that Mr. Cutler does a wonderful job and he is highly experienced. He spoke about the downside of a part time official stating that if you need something done, you missed him on Monday, and you have to wait another week, it could be detrimental to your business. Mr. Woodstrom commented on Mr. Carafello's remark stating that he is a developer and why wouldn't he say nice things about the construction official.

Seeing no other hands, Mayor Boyce closed the public portion of the meeting.

RESOLUTIONS

CONSIDERATION OF RESOLUTION IN SUPPORT OF WEST MILFORD, PASSAIC COUNTY IN SEEKING STATE INTERVENTION TO INCREASE SAFETY AND PUBLIC AWARENESS ON STATE HIGHWAY ROUTE 23

Mayor Boyce stated we received a resolution from West Milford in seeking State intervention to increase safety and public awareness on Route 23. Following a short discussion the Committee agreed to support this resolution.

#R2011-42 RESOLUTION OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX AND STATE OF NEW JERSEY IN SUPPORT OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC'S REQUEST FOR STATE INTERVENTION TO INCREASE SAFETY AND PUBLIC AWARENESS ON STATE HIGHWAY ROUTE 23

Ms. Phoebus moved to adopt the foregoing resolution as presented, seconded by Mr. Walsh and carried unanimously.

(See Insert Attached to These Minutes)

NEW BUSINESS

DISCUSSION REGARDING JCP&L AS REQUESTED BY MR. WALSH This issue was discussed during the public portion of the meeting.

REVIEW AND CONSIDERATION OF ORDINANCE AMENDMENT REGARDING CHAPTER 30, SECTION 30-10 "FEES" UNIFORM CONSTRUCTION CODE

Mayor Boyce stated that Mr. Cutler has recommended the fees for the construction permits be reviewed and in some cases increased. Mr. Smith added that there is an area in the Ordinance where the fees have decreased. He stated that a study should be conducted in terms of what these changes are costing us and how many fees are coming in so a sensible decision is made. Mr. Smith also stated that the construction department is not permitted to make money and it shouldn't lose money either. Do our fees support our expenditures. The Township Committee agreed that the construction official should further review this Ordinance amendment and make comments/remarks as to justify these changes.

OTHER BUSINESS**APPROVAL OF RAFFLE LICENSE #RL 947 – OFF PREMISE 50/50 – KAREN ANN QUINLAN MEMORIAL FOUNDATION TO BE HELD ON MAY 25, 2011 AT THE FARMSTEAD GOLF & COUNTRY CLUB**

Mr. Walsh moved to approve this license, seconded by Mayor Boyce. Roll call vote:

Mr. Lensak – absent

Ms. Phoebus – abstain

Mr. Smith – yes

Mr. Walsh – yes

Mayor Boyce – yes

COMMITTEE REPORTS

MR. SMITH. He reported the Seniors celebrated Valentine's Day with a pizza party. Marti Baldwin, from the County Board of Health was the guest speaker. She gave a presentation on the proper disposal of prescription drugs. These drugs are one of the major contributors to drug abuse amongst young people.

The Board of Health meeting is scheduled for Wednesday. SWAC met last Tuesday and they reelected Jim Landrith as the Chairman and Ellie Menzodeddis as the Vice-Chair. The new legislation regarding disposal of electronic goods was discussed. The County and various municipalities are discussing options as to where disposal can be done. You can bring your electronics to the landfill but there is a cost associated with disposal. Things with screens can not be put curbside any longer.

Reporting on the Finance Committee, two meetings were held. Gail Magura is our new CFO and Mr. Smith stated he is quite impressed with her and she is very knowledgeable and coming up to speed quite well. Budget request forms were distributed to all who are responsible for budgets. Recommendations were received from them and the next meeting is scheduled for Wednesday. CFO Magura will be putting together what revenues are going to be and the two will be compared to see what the tax rate might be. It will then come to the Committee for them to make recommendations.

MR. WALSH. He reported that there are three representatives from the Environmental Commission going to the Sustainable NJ meeting at Lake Mohawk Country Club on February 27. They are looking to receive a grant which they will apply with the Recreation Committee because this will give us funding to be able to host a movie night at the park. He thanked Eastern Propane for paying for the three tickets.

COMMITTEE REPORTS: (CONTINUED)

MR. WALSH. Reporting on the DPW, we were one of very few who still had some grit and salt in supply because of the salt brine treatment process. We purchased about 800 ton and we are back to full supply. A company is coming to visit the department next week. They will put a device on a couple of our trucks for a 90 day free trial which is designed to save fuel. If we are impressed with the savings the purchase is very inexpensive. Mayor Boyce commented that during the last ice storm he came to the municipal building that morning to check the parking lot in order to decide when to open the building. He stated he spoke to DPW Supervisor Dickinson and he explained the process in removing ice after snow is to leave a bit of snow behind for easy removal. In the seven snowstorms since Christmas and the municipal building has not closed once.

Reporting on contract negotiations with the Dispatchers, Mr. Walsh stated the meetings are going very well. There is another meeting scheduled for February 23. Once done they will begin negotiations with the DPW.

MS. PHOEBUS. She reported that she attended the annual installation dinner and it was lovely. The new officers were sworn in. They are now preparing for the Venison Dinner. They did respond to a fire at the Econo Lodge and Mr. Cutler and Mr. Flammer were both there addressing building code enforcement. The owners have come into the municipal building to obtain the required permits.

Reporting on affordable housing and St. Paul's Abbey, tonight Mayor Boyce signed the memorandum of agreement for the one year due diligence. Part of the agreement states we have to clean up the exterior and interior of the site. Ms. Phoebus stated in speaking with Sheriff Strada he asked if we send a letter he will have SLAP program scheduled to do the work at no cost except for dumpster and fuel charges.

She then reported on the Joint meeting of the Open Space and Recreation Committees. Open Space reported there is an Eagle Scout who will be building benches and birdhouses for the Lake Iliff property.

MAYOR BOYCE. He reported that the School Board meets tomorrow night at 7:30 at Long Pond School and urged everyone to attend as budget time is fast approaching. He stated he and Mr. Lensak are on the Liaison Committee with the School Board and Andover Borough. They met on January 31st and we learned that they are continuing to make progress in their teacher contract negotiations.

Mayor Boyce stated he received a letter from the State Department of Transportation informing us we have been selected to receive funding in the amount of \$165,000 for Goodale Road Phase I project. From 677 applications filed.

REPORT FROM THE CLERK/ADMINISTRATOR She reported on the minutes of the January 208 Water Quality meeting. She spoke about the review of the County's map by the DEP of the sewer service areas and Sussex County has an informational meeting on March 15th with the DEP. The map will outline different constraints on the properties which will advise property owners on the reasons why they were specifically removed from the sewer service area and what they need to do to be reconsidered. The maps will be available to view after February 10th.

Rutgers Green Infrastructure Project has four sessions scheduled in which staff will come to Sussex County. There is a session geared towards Green Alternatives and Opportunities for Business and Industry on February 24th, A Build a Rain Barrel Session for March 29th at the Hillside Park and a session on Rain Gardens at Hillside Park at April 27th. The fourth will be North Jersey RC&D regarding Stream Side Living and Open Space most likely in Byram at a date to be determined.

She then stated that Donnelly Energy Solutions did a site visit last week and they will determine a plan of energy improvements for our municipal buildings. We are awaiting the filing of their plan. She reported she filed the 2011 application for additional funding opportunities.

REPORT FROM THE MUNICIPAL ATTORNEY He reported on the Abbey adding that the Township is now in the process of still seeking that developer for the project and in the context of doing that, there has been a number of developers who have come forward. All the developers had a cost factor for the township and in some cases it was computed the cost to approach \$1 million. Since, we have come across a developer who has a track record and a reputation of building affordable housing. They are a for-profit entity and they have made a presentation to the subcommittee. He expects that over the course of the next few meetings, that proposal will come forward because he is asking for a one year period of time to do extensive due diligence work and make an investment in the Abbey. The Township will not incur additional costs to do studies.

NEXT SCHEDULED MEETINGS: **Regular Meeting February 28, 2011**
 Regular Meeting March 14, 2011

Executive Session - 6:30 p.m.
 Regular Meeting - 7:30 p.m.

ADJOURNMENT No further business appearing before the Committee at this time, Ms. Phoebus moved the meeting be adjourned at 8:41 P.M., seconded by Mr. Walsh and carried unanimously.

Respectfully submitted,

Phil Boyce, Mayor

Vita Thompson, R.M.C.
Clerk/Administrator

TOWNSHIP OF ANDOVER

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Andover on the 14TH day of FEBRUARY 2011, that:

1. Prior to the commencement of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- (x) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- (x) b. (4) A collective bargaining agreement including negotiations.
- (x) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (x) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.

Contract Negotiations:

1. ***St. Paul's Abbey Due Diligence***
2. ***Shared Services Agreement Update – Position of Tax Collector***
3. ***Forest Lakes Dam & Lake Lenape Dam Restoration Projects/
Co-Borrowers Agreement***
4. ***A. Taglialatela, Police Chief***
5. ***Land Preservation Program Discussion - Trust For Public Land***

Attorney-Client Privilege:

Pending Litigation:

1. ***Krueger vs. Andover Township***

- (x) a. (8) Personnel matters.
 1. ***B. Flammer, Fire Official***
 2. ***J. Cutler, Fire Sub-Code Official/Inspector***
- () b. (9) Deliberations after a public hearing that may result in penalties.
 1. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: February 14, 2011

Moved: Walsh Seconded: Phoebus
Voted Aye: Phoebus, Smith, Walsh, Boyce
Voted Nay: None
Absent: Lensak
Resolution adopted. February 14, 2011
